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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/800,343

03/11/2004

Kurt E. Spears

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03/16/2005

HEWLETT-PACKARD COMPANY

Intellectual Property Administration

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EXAMINER

DONG, DALEI

ART UNIT

PAPER NUMBER

2879

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/800,343	SPEARS, KURT E.	
	Examiner	Art Unit	
	Dalei Dong	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 20-33 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 and 30-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 1-13 and 30-33 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected the method of making a lamp tube, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 6, 2005.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 20-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Japan Patent No. 7-21820 to Kojima.

Regarding to claim 20, Kojima discloses in Figures 1-5, an illumination source (11) comprising a linear tube (12) having a continuous non-uniform distribution of a luminescent substance (14) disposed thereon.

Regarding to claim 21, Kojima discloses in Figures 1-5, the distribution having a greater density at opposite ends (shown in Figure 4) of the tube (12).

Regarding to claim 22, Kojima discloses in Figures 1-5, the tube (12) having an increasing distribution density measured outwardly from a midpoint (shown in Figure 4) of the tube (12).

Regarding to claim 23, Kojima discloses in Figures 1-5, the tube (12) having a non-linear distribution of the luminescent substance (14) disposed thereon.

Regarding to claim 24, Kojima discloses in Figures 1-5, the tube (12) having a generally constant distribution density about a midsection thereof.

Regarding to claim 25, Kojima discloses in Figures 1-5, an illumination source (11) comprising forming a continuous, non-uniform distribution of a luminescent substance (14) on a linear tube (12).

Regarding to claim 26, Kojima discloses in Figures 1-5, the distribution comprises forming the distribution having a greater density at opposite ends (shown in Figure 4) of the tube (12).

Regarding to claim 27, Kojima discloses in Figures 1-5, the distribution comprises forming an increasing distribution density measured outwardly from a midpoint of the tube (12).

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Regarding to claim 28, Kojima discloses in Figures 1-5, the distribution comprises forming a non-linear distribution.

Regarding to claim 29, Kojima discloses in Figures 1-5, the distribution comprises forming a generally constant distribution density about a midsection of the tube (12).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 20-29 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,635,858 to Spears.

The applied reference has a common assignee and inventive entity with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding to claim 20, Spears discloses in Figures 6A-D, an illumination source (250) comprising a linear tube having a continuous non-uniform distribution of a luminescent substance disposed thereon (see column 5, lines 11-44).

Regarding to claim 21, Spears discloses in Figures 6A-D, the distribution having a greater density at opposite ends (260A₁ and 260A₂) of the tube (see column 5, lines 11-44).

Regarding to claim 22, Spears discloses in Figures 6A-D, the tube having an increasing distribution density measured outwardly from a midpoint (260B) of the tube (see column 5, lines 11-44).

Regarding to claim 23, Spears discloses in Figures 6A-D, the tube having a non-linear distribution of the luminescent substance disposed thereon (see column 5, lines 11-44).

Regarding to claim 24, Spears discloses in Figures 6A-D, the tube having a generally constant distribution density about a midsection thereof (see column 5, lines 11-44).

Regarding to claim 25, Spears discloses in Figures 6A-D, an illumination source (250) comprising forming a continuous, non-uniform distribution of a luminescent substance on a linear tube (see column 5, lines 11-44).

Regarding to claim 26, Spears discloses in Figures 6A-D, the distribution comprises forming the distribution having a greater density at opposite ends (260A₁ and 260A₂) of the tube (see column 5, lines 11-44).

Regarding to claim 27, Spears discloses in Figures 6A-D, the distribution comprises forming an increasing distribution density measured outwardly from a midpoint (260B) of the tube (see column 5, lines 11-44).

Regarding to claim 28, Spears discloses in Figures 6A-D, the distribution comprises forming a non-linear distribution (see column 5, lines 11-44).

Regarding to claim 29, Spears discloses in Figures 6A-D, the distribution comprises forming a generally constant distribution density about a midsection of the tube (see column 5, lines 11-44).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following prior art are cited to further show the state of the art of composition of an illumination source.

U.S. Patent No. 4,336,479 to Kodama.

U.S. Patent No. 5,227,693 to Sakakibara.

U.S. Patent No. 5,512,798 to Honda.

U.S. Patent No. 5,708,324 to Anandan.

U.S. Patent No. 6,747,403 to Spears.

Japan Patent No. 8-87985.

Japan Patent No. 7-6732.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalei Dong whose telephone number is (571)272-2370. The examiner can normally be reached on 8 A.M. to 5 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on (571)272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D.D.

March 2, 2005



Joseph Williams
Primary Examiner
Art Unit 2879